

Filed 12-19-08Clerk, U. S. District Court
Western District of TexasMy

Deputy

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
THOMAS C. RUSHING, III (1))
BRIAN C. RUE (2))
WILLIAM LANCE PARTRIDGE (3))
)
Defendants.)

CRIMINAL NO. A-08-CR-255 SS

PRELIMINARY JUDGMENT OF FORFEITURE

Came on to be considered the United States of America's Motion for Entry of a Preliminary Judgment of Forfeiture, pursuant to the provisions of 21 U.S.C. §§ 853(n)(1)-(7), and Fed. R. Crim. P. 32.2(b)(1). This Court being fully and wholly apprised in all its premises, finds that the United States has established by a preponderance of the evidence a nexus between the below described Subject Personal Properties and the violations of 18 U.S.C. §2319(b)(1) and 17 U.S.C. § 506(a)(1)(A), and that Defendants Thomas C. Rushing III (1), Brian C. Rue (2), and William Lance Partridge (3) have an interest in the Subject Personal Properties. Said Motion is meritorious and should be, and hereby is, in all things GRANTED. IT IS THEREFORE

ORDERED that all right, title and interest of Defendant Thomas C. Rushing III (1), in certain Personal Properties, namely:

- a One 2006 Porsche Cayenne, VIN: WP1AB29P46LA69886;
- b All funds in Edward Jones Account Number 296-09751-1-4 in the name of Thomas Clayton Rushing;
- c All funds in Edward Jones Account Number 296-95988-1-8 in the name of Thomas Clayton Rushing;
- d All computers, hard drives, optical disc media, infringing works, contraband and

One documentary evidence; One Dell XPS desktop computer Serial No. 3BPCG61;
Dell Inspiron 710m laptop Serial No. RS063-A04; One Generic desktop computer
in Antec Case; One 32" Dell LCD monitor Serial No. 90GTZB1;
e ServerBeach forensic image(s), including its electronic contents; and
f The domain names as follows: valuesoftwaresales.com,
allsoftwaredownload.com,
esoftvalue.com, and pricelashsoftware.com,

hereinafter referred to as the Rushing Properties be, and hereby are FORFEITED to the United States of America; and IT IS FURTHER

ORDERED that all right, title and interest of Defendant Brian C. Rue (2), in certain Personal Properties, namely:

- a All funds in JP Morgan Chase Account Number 000000665564571, in the name of Brian C. Rue;
- b All computers, hard drives, optical disc media, infringing works, contraband and documentary evidence; One Antec Computer Enclosure with CPU, One Seagate Barracuda Hard Drive S/N 9QG3J190, One Western Digital Raptor Hard Drive S/A WMAP41641946, One Western Digital Caviar Hard Drive S/N WCAL71003243, One Generic Computer Enclosure, One Toshiba Portege R100 Laptop S/N Y4029676H, One Toshiba Hard Drive S/N MK4004GAH, One Samsung Hard Drive S/N 0059SAJ4020647;
- c ServerBeach forensic image(s), including its electronic contents; and
- d The domain names as follows: valuesoftwaresales.com,
allsoftwaredownload.com,
esoftvalue.com, and pricelashsoftware.com,

hereinafter referred to as the Rue Properties be, and hereby are FORFEITED to the United States of America; and IT IS FURTHER

ORDERED that all right, title and interest of Defendant William Lance Partridge (3), in certain Personal Properties, namely:

- a One 46" Sony Bravia LCD flat panel television, model number KDL-46XBR2;
- b All computers, hard drives, optical disc media, infringing works, contraband and documentary evidence; One Gateway CPU S/N 0028236933; One Dell Inspiron Laptop S/N 72P9J91;
- c ServerBeach forensic image(s), including its electronic contents; and

d The domain names as follows: valuesoftwaresales.com,
allsoftwaredownload.com,
esoftvalue.com, and pricelashsoftware.com,

hereinafter referred to as the Partridge Properties be, and hereby are FORFEITED to the United States of America. Collectively, the Rushing Properties, Rue Properties, and Partridge Properties are hereinafter referred to as the Subject Personal Properties; and IT IS FURTHER ORDERED that the United States Attorney General, the Internal Revenue Service, and/or its designated custodian, shall seize, take custody, control, and possession of the Subject Personal Properties; and IT IS FURTHER

ORDERED that the Attorney General to cause publication for at least 30 consecutive days on an official Internet government forfeiture site (www.forfeiture.gov) of the Notice of Preliminary Judgment of Forfeiture and of its intent to dispose of the properties in such manner as the Attorney General directs.

The Attorney General must send notice of its intent to dispose of the properties to any identified person or entity who reasonably appears to have alleged an interest in the properties that is the subject of the Preliminary Judgment of Forfeiture as a substitute for published notice; and IT IS FURTHER

ORDERED that such published notice shall read as set forth in Appendix A, which is attached to and fully incorporated in United States of America's Motion for Entry of a Preliminary Judgment of Forfeiture; and IT IS FURTHER

ORDERED that at the time of the sentencing of Defendants Thomas C. Rushing III (1), Brian C. Rue (2), and William Lance Partridge (3), the forfeiture of the Subject Personal Properties shall be included in their Judgments in a Criminal Case (JCCs).

IT IS SO ORDERED.

SIGNED this 19th day of December, 2008.



Sam Sparks
United States District Judge